



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4654**

Introduced 01/12/06, by Rep. Robert F. Flider

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/12-4

from Ch. 38, par. 12-4

Amends the Criminal Code of 1961. Provides that a person also commits aggravated battery when he or she, in committing a battery, knows the individual harmed to be a school bus driver engaged in the performance of any of his or her duties, or commits the battery to prevent the school bus driver from performing his or her duties or in retaliation for the school bus driver performing his or her duties. Provides that a violation is a Class 3 felony.

LRB094 18177 RLC 53488 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 12-4 as follows:

6 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

7 Sec. 12-4. Aggravated Battery.

8 (a) A person who, in committing a battery, intentionally or  
9 knowingly causes great bodily harm, or permanent disability or  
10 disfigurement commits aggravated battery.

11 (b) In committing a battery, a person commits aggravated  
12 battery if he or she:

13 (1) Uses a deadly weapon other than by the discharge of  
14 a firearm;

15 (2) Is hooded, robed or masked, in such manner as to  
16 conceal his identity;

17 (3) Knows the individual harmed to be a teacher or  
18 other person employed in any school and such teacher or  
19 other employee is upon the grounds of a school or grounds  
20 adjacent thereto, or is in any part of a building used for  
21 school purposes;

22 (4) (Blank);

23 (5) (Blank);

24 (6) Knows the individual harmed to be a community  
25 policing volunteer while such volunteer is engaged in the  
26 execution of any official duties, or to prevent the  
27 volunteer from performing official duties, or in  
28 retaliation for the volunteer performing official duties,  
29 and the battery is committed other than by the discharge of  
30 a firearm;

31 (7) Knows the individual harmed to be an emergency  
32 medical technician - ambulance, emergency medical

1 technician - intermediate, emergency medical technician -  
2 paramedic, ambulance driver, other medical assistance,  
3 first aid personnel, or hospital personnel engaged in the  
4 performance of any of his or her official duties, or to  
5 prevent the emergency medical technician - ambulance,  
6 emergency medical technician - intermediate, emergency  
7 medical technician - paramedic, ambulance driver, other  
8 medical assistance, first aid personnel, or hospital  
9 personnel from performing official duties, or in  
10 retaliation for performing official duties;

11 (8) Is, or the person battered is, on or about a public  
12 way, public property or public place of accommodation or  
13 amusement;

14 (8.5) Is, or the person battered is, on a publicly or  
15 privately owned sports or entertainment arena, stadium,  
16 community or convention hall, special event center,  
17 amusement facility, or a special event center in a public  
18 park during any 24-hour period when a professional sporting  
19 event, National Collegiate Athletic Association  
20 (NCAA)-sanctioned sporting event, United States Olympic  
21 Committee-sanctioned sporting event, or International  
22 Olympic Committee-sanctioned sporting event is taking  
23 place in this venue;

24 (9) Knows the individual harmed to be the driver,  
25 operator, employee or passenger of any transportation  
26 facility or system engaged in the business of  
27 transportation of the public for hire and the individual  
28 assaulted is then performing in such capacity or then using  
29 such public transportation as a passenger or using any area  
30 of any description designated by the transportation  
31 facility or system as a vehicle boarding, departure, or  
32 transfer location;

33 (9.5) Knows the individual harmed to be a school bus  
34 driver engaged in the performance of any of his or her  
35 duties, or commits the battery to prevent the school bus  
36 driver from performing his or her duties or in retaliation

1 for the school bus driver performing his or her duties;

2 (10) Knows the individual harmed to be an individual of  
3 60 years of age or older;

4 (11) Knows the individual harmed is pregnant;

5 (12) Knows the individual harmed to be a judge whom the  
6 person intended to harm as a result of the judge's  
7 performance of his or her official duties as a judge;

8 (13) (Blank);

9 (14) Knows the individual harmed to be a person who is  
10 physically handicapped;

11 (15) Knowingly and without legal justification and by  
12 any means causes bodily harm to a merchant who detains the  
13 person for an alleged commission of retail theft under  
14 Section 16A-5 of this Code. In this item (15), "merchant"  
15 has the meaning ascribed to it in Section 16A-2.4 of this  
16 Code;

17 (16) Is, or the person battered is, in any building or  
18 other structure used to provide shelter or other services  
19 to victims or to the dependent children of victims of  
20 domestic violence pursuant to the Illinois Domestic  
21 Violence Act of 1986 or the Domestic Violence Shelters Act,  
22 or the person battered is within 500 feet of such a  
23 building or other structure while going to or from such a  
24 building or other structure. "Domestic violence" has the  
25 meaning ascribed to it in Section 103 of the Illinois  
26 Domestic Violence Act of 1986. "Building or other structure  
27 used to provide shelter" has the meaning ascribed to  
28 "shelter" in Section 1 of the Domestic Violence Shelters  
29 Act;

30 (17) (Blank); ~~or~~

31 (18) Knows the individual harmed to be an officer or  
32 employee of the State of Illinois, a unit of local  
33 government, or school district engaged in the performance  
34 of his or her authorized duties as such officer or  
35 employee; or

36 (19) ~~(18)~~ Knows the individual harmed to be an

1 emergency management worker engaged in the performance of  
2 any of his or her official duties, or to prevent the  
3 emergency management worker from performing official  
4 duties, or in retaliation for the emergency management  
5 worker performing official duties.

6 For the purposes of paragraph (9.5) of subsection (b) of  
7 this Section, "school bus" has the meaning ascribed to it in  
8 Section 1-182 of the Illinois Vehicle Code and "school bus  
9 driver" means a person operating a school bus who has a valid  
10 school bus driver permit as required under Sections 6-104 and  
11 6-106.1 of the Illinois Vehicle Code.

12 For the purpose of paragraph (14) of subsection (b) of this  
13 Section, a physically handicapped person is a person who  
14 suffers from a permanent and disabling physical  
15 characteristic, resulting from disease, injury, functional  
16 disorder or congenital condition.

17 (c) A person who administers to an individual or causes him  
18 to take, without his consent or by threat or deception, and for  
19 other than medical purposes, any intoxicating, poisonous,  
20 stupefying, narcotic, anesthetic, or controlled substance  
21 commits aggravated battery.

22 (d) A person who knowingly gives to another person any food  
23 that contains any substance or object that is intended to cause  
24 physical injury if eaten, commits aggravated battery.

25 (d-3) A person commits aggravated battery when he or she  
26 knowingly and without lawful justification shines or flashes a  
27 laser gunsight or other laser device that is attached or  
28 affixed to a firearm, or used in concert with a firearm, so  
29 that the laser beam strikes upon or against the person of  
30 another.

31 (d-5) An inmate of a penal institution or a sexually  
32 dangerous person or a sexually violent person in the custody of  
33 the Department of Human Services who causes or attempts to  
34 cause a correctional employee of the penal institution or an  
35 employee of the Department of Human Services to come into  
36 contact with blood, seminal fluid, urine, or feces, by

1 throwing, tossing, or expelling that fluid or material commits  
2 aggravated battery. For purposes of this subsection (d-5),  
3 "correctional employee" means a person who is employed by a  
4 penal institution.

5 (e) Sentence.

6 (1) Except as otherwise provided in paragraphs (2) and  
7 (3), aggravated battery is a Class 3 felony.

8 (2) Aggravated battery that does not cause great bodily  
9 harm or permanent disability or disfigurement is a Class 2  
10 felony when the person knows the individual harmed to be a  
11 peace officer, a community policing volunteer, a  
12 correctional institution employee, an employee of the  
13 Department of Human Services supervising or controlling  
14 sexually dangerous persons or sexually violent persons, or  
15 a fireman while such officer, volunteer, employee, or  
16 fireman is engaged in the execution of any official duties  
17 including arrest or attempted arrest, or to prevent the  
18 officer, volunteer, employee, or fireman from performing  
19 official duties, or in retaliation for the officer,  
20 volunteer, employee, or fireman performing official  
21 duties, and the battery is committed other than by the  
22 discharge of a firearm.

23 (3) Aggravated battery that causes great bodily harm or  
24 permanent disability or disfigurement in violation of  
25 subsection (a) is a Class 1 felony when the person knows  
26 the individual harmed to be a peace officer, a community  
27 policing volunteer, a correctional institution employee,  
28 an employee of the Department of Human Services supervising  
29 or controlling sexually dangerous persons or sexually  
30 violent persons, or a fireman while such officer,  
31 volunteer, employee, or fireman is engaged in the execution  
32 of any official duties including arrest or attempted  
33 arrest, or to prevent the officer, volunteer, employee, or  
34 fireman from performing official duties, or in retaliation  
35 for the officer, volunteer, employee, or fireman  
36 performing official duties, and the battery is committed

1 other than by the discharge of a firearm.

2 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,  
3 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;  
4 94-482, eff. 1-1-06; revised 8-19-05.)